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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,036	07/15/2003	Michael D. Collier	CML 302B	8892
23581	7590	02/26/2004	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			SPISICH, MARK	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,036	Applicant(s) COLLIER, MICHAEL D.	
	Examiner Mark Spisich	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Maranville (USP 1,559,114). The patent to Maranville discloses a handle covering comprising a body (A) for covering the handle of the wearer and an expanse of elastic rubber material integral with the body and including a plurality of projections (E,D,K,etc) which read on the plural wipers as defined in the claim. The patent to Maranville discloses covering the thumb as well as the forefinger.

3. Claims 1-3,6,11-14,17 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Fierabend, Jr. (USP 6,092,238). The patent to Fierabend discloses a hand covering (1) comprising a body for covering the hand of the wearer as well as an

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expanse of rubber (see column 3, lines 35-39) material (14) integral with the body and defining a plurality of ribs which read on the recited "wipers" and further wherein the formed material at least partially covers the forefinger.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3,6,7,9-14,17,18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK 1597837 in view of UK 2050815. '837 discloses a hand covering comprising a body (10) for covering the hand of the wearer as well as an expanse of material (12) having a wiper (14) and further wherein the expanse is integral with the body. '837 discloses the invention substantially as claimed with the exception of plural wipers. '815 also discloses a squeegee device which may include "a single flexible member or a plurality of parallel blades..." (see page 1, lines 18-20). It would have been obvious to one of ordinary skill to have modified the device of '837 as such (1) because '815 teaches that the number of squeegee elements may be readily selected by the user and because it teaches that a single blade (as in '837) may be replaced with multiple blades and (2) so as to provide a more thorough cleaning in a single movement along the surface being cleaned. The "formed material" of '837 is on the forefinger (claim 3). The rib (14) of '837 extends along the length of the body (claim 7) with the plural ribs (claim 6) having been addressed with respect to claim 1. A rib

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(14) as in '837 (see fig 3) which is symmetrical would be bi-directionally flexible as defined in claims 9-10. Claim 11 does not define any structure. The second set of claim (12+) parallels the first set, with the exception of reciting a glove (which is also taught by '837).

6. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK 1,597,837 and UK 2,050,815 as applied to claims 6 and 17 above, and further in view of Fany (USP 5,429,678). The prior art discloses the invention substantially as claimed with the exception of the arcuate ribs. The patent to Fany discloses that squeegee ribs which can either be straight (see fig 4) or arcuate (see fig 5). It would have been obvious to one of ordinary skill to have modified the ribs of the prior art as taught by Fany that one of ordinary skill has recognized that the rib shape disclosed by the prior art is interchangeable with the rib shape recited in claim 8.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are all pertinent to hand coverings with plural ribs or wipers (Hayden). Also note the patent to DeBartolo, which was not applied because applicant's priority date predated the critical date of the reference.

8. This is a continuation of applicant's earlier Application No. 09/675,557. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL**

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even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



MARK SPISICH
PRIMARY EXAMINER
GROUP 3400